

Patent
Attorney Docket No. GEMS8081.183

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Minogue et al.
Serial No. : 10/605,805
Filed : 10/28/2003
For : SYSTEM AND METHOD FOR MULTI-VENDOR AUTHENTICATION TO REMOTELY ACTIVATE A SOFTWARE-BASED OPTION
Group Art No. : 2182
Examiner : Tammara R. Peyton

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

Mailing

deposited with the US Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

with sufficient postage as first class mail As "Express Mail Post Office to Addressee" Mailing Label No.

Transmission

transmitted by EFS-BETA addressed to the Patent and Trademark Office.

Date: 12/12/05

Jessica A. Calaway
Signature

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**COMMENTS ON STATEMENT
OF REASONS FOR ALLOWANCE**

Dear Sir:

Responsive to the Notice of Allowability mailed December 5, 2005, Applicant submits the following remarks responsive to the Examiner's Statement of Reasons for Allowance.

REMARKS

In response to the Examiner's Reasons for Allowance, Applicant believes that a separate Statement of Reasons for Allowance is unnecessary in the present case as the file history sufficiently sets forth the patentable distinctions of claims 1-10 and 18-23.

The patentability of claims 1-10 and 18-23 lies in each claim as a whole. That is, a single particular element or feature of a claim does not define the claim's patentability, but rather, it is the combination of elements and the interconnection therebetween that define the invention. The claims cannot be considered to be limited in scope based on the simple brief statement by the Examiner. The independent claims are independent. Applicant stands by its position previously set forth in the file history.

Applicant does not acquiesce to the accuracy of the Examiner's statements in the Reasons for Allowance nor the Examiner's partial paraphrasing of the claim elements.

Entry of these remarks is appreciated and Applicant cordially invites the Examiner to respond, should the Examiner disagree.

Respectfully submitted,



Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial (262) 376-5139
tjz@zpspatents.com

Dated: 12/12/05
Attorney Docket No.: GEMS8081.183

P.O. ADDRESS:

Ziolkowski Patent Solutions Group, SC
14135 N. Cedarburg Rd.
Mequon, WI 53097-1416
262-376-5170